

June 17, 2019

**VIA ELECTRONIC FILING**

The Honorable Jocelyn G. Boyd  
Chief Clerk/Administrator  
Public Service Commission of South Carolina  
101 Executive Center Drive, Suite 100  
Columbia, SC 29210

**RE: South Carolina Energy Freedom Act (House Bill 3659) Proceeding for the Commission to Establish Reasonable Guidelines to Ensure Reasonable Interconnection Timelines, Including Time Requirements to Deliver a Final System Impact Study to All Interconnection Customers that Execute a System Impact Study Agreement — Section 58-27-460(D)  
Docket No. 2019-194-E (Lockhart Power Company)  
Docket No. 2019-195-E (Duke Energy Carolinas, LLC)  
Docket No. 2019-196-E (Duke Energy Progress, LLC)  
Docket No. 2019-197-E (Dominion Energy South Carolina, Inc.)**

Dear Ms. Boyd,

On behalf of Duke Energy Carolinas, LLC (“DEC”); Duke Energy Progress, LLC (“DEP”); Dominion Energy South Carolina, Incorporated; Lockhart Power Company; the South Carolina Solar Business Alliance; Johnson Development Associates, Inc. (collectively, the “Interested Parties”) and the South Carolina Office of Regulatory Staff (“ORS”), I am writing to provide the Public Service Commission of South Carolina (the “Commission”) the Interested Parties’ and ORS’s collective interpretation of S.C. Code Ann. § 58-27-460(D), enacted by Act 62 on May 16, 2019.

S.C. Code Ann. § 58-27-460(D) provides, in part, that “[t]he commission shall establish reasonable guidelines to ensure reasonable interconnection timelines, including time requirements to deliver a final system impact study to all interconnection customers that execute a system impact study agreement prior to three months after the effective date of this act.” At the Commission Staff presentation to the Commission on June 12, 2019, the Commission Staff interpreted this statutory directive to require the Commission to establish such guidelines prior to three months after the effective date of this act, or by August 15, 2019. To meet this perceived statutory deadline, the Commission instructed Commission Staff to require interested parties to file proposed guidelines by July 3, 2019. A letter informing the public of this requirement was filed in Docket Nos. 2019-194-E, 2019-195-E, 2019-196-E, and 2019-197-E on June 13, 2019.

The Interested Parties and ORS do not read S.C. Code Ann. § 58-27-460(D) to require the Commission to take any action by a date certain. Rather, the Interested Parties and ORS read the

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phrase “prior to three months after the effective date of this act” as akin to a grandfathering provision that brings those interconnection customers that have executed a system impact study agreement prior to August 15, 2019, within the ambit of the statute. That is, within the guidelines to be established, the Commission must include time requirements by which electrical utilities shall deliver a final system impact study to all interconnection customers that, prior to August 15, 2019, have executed a system impact study agreement.

In light of the information provided herein, the Interested Parties and ORS request the Commission reconsider its interpretation of S.C. Code Ann. § 58-27-460(D) and the July 3, 2019 deadline by which interested parties must submit proposed guidelines. Given the complexity associated with the requirements of this new code section, the Interested Parties and ORS request the Commission hold in abeyance all deadlines associated with S.C. Code Ann. § 58-27-460(D) set forth in the letter filed by the Chief Clerk on June 13, 2019, pending further discussion with Commission Staff regarding the implementation the requirements set forth in the S.C. Code Ann. § 58-27-460 in its entirety.

Given the quickly-approaching July 3, 2019 deadline, the Interested Parties and ORS appreciate the Commission’s prompt consideration of this request. Should you have any questions regarding this request, please do not hesitate to contact me at 803.988.7130.

Sincerely,



Rebecca J. Dulin

#### Attachments

cc: Ms. Becky Dover, SC Department of Consumer Affairs  
 Mr. Bryan Stone, Lockhart Power Company  
 Ms. Carri Grube, SC Department of Consumer Affairs  
 Mr. James H. Seay, Jr., Lockhart Power Company  
 Mr. Jeffrey M. Nelson, Office of Regulatory Staff  
 Mr. M. John Bowen, Jr., Burr & Forman, LLP  
 Ms. Margaret M. Fox, Burr & Forman, LLP  
 Mr. Richard L. Whitt, Austin & Rogers, P.A.  
 Mr. K. Chad Burgess, Dominion Energy Southeast Services, Inc.  
 Mr. Matthew W. Gissendanner, Dominion Energy Southeast Services, Inc.